

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PAMELA BUTLER,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:18-cv-01701-AGF
)	
MALLINCKRODT LLC, et al.,)	Lead Case
)	
Defendants.)	

JOINT STATUS REPORT

Pursuant to the Court's Order of June 24, 2021 (Doc. #42), the parties provide the following status report setting forth the topics to discuss and proposed schedules in advance of the July 21, 2021, Status Conference.

For the Court's convenience, the Parties include the following Exhibits:

Doc 43-1	Current Draft of CMO No. 3 for discussion at the Status Conference
<hr style="border-top: 1px dashed black;"/>	
Doc 43-2	CMO No. 2. The CMO in effect when Mallinckrodt filed its Notice of Suggestion of Bankruptcy and the automatic stay arose.
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Doc 43-3	The March 29, 2019 Status Report. The most recent status report for the <i>Butler</i> matters.

A. Scheduling

Mallinckrodt's automatic stay arose on October 12, 2021. At that time, the CMO in effect had three principal deadlines remaining: (1) the submission of *Daubert* motions; (2) the close of discovery; and (3) the submission of dispositive motions, which was contingent on the Court's ruling on the *Daubert* motions. The Parties have agreed to a deadline to submit *Daubert* motions of August 18, 2021. The Parties agree that the deadline for dispositive motions should remain contingent on the Court's ruling on the *Daubert* motions.

The Parties have not agreed on a deadline for closing all discovery as Item No. 4 in the proposed CMO states. At the time the stay was entered, the Parties had been discussing the completion of fact discovery. Less than two weeks before the stay was entered, the Court entered the parties' proposed Case Management Order, extending all discovery for another 60 days.

Defendants are interested in conducting limited plaintiff-specific fact discovery that would not affect the briefing schedule for *Daubert* and dispositive motions. Defendants are interested in obtaining and reviewing any new or updated medical records before making a determination on further discovery related to those records. Mallinckrodt has already requested Marker's to review the files for the four plaintiffs in this consolidated action to identify if their current authorizations are sufficient for updating their records, and if they are not, to prepare new ones. The Defendants anticipate that it will take 60 – 90 days from the receipt of executed authorizations to complete collection. Defendants are also interested in reviewing their non-medical records to determine if there are any additional fact witnesses to depose or discover, and request that plaintiffs provide the information identified in Fed. R. Civ. P. 26(a)(1) within 30 days. Defendants propose that they submit a status report to the Court with regard to these additional Plaintiff-specific discovery items in ninety days.

Plaintiffs are interested in deposing corporate representatives of Defendants. Prior to the stay, Plaintiffs sent proposed topics for these depositions to the Defendants. Plaintiffs may also wish to depose additional fact witnesses. Plaintiffs understood Case Management Order No. 14 to enhance and supersede Rule 26(a)(1) disclosures, and this is the first time there has been any suggestion to the contrary.

B. Length of *Daubert* Motions

The CMO in effect at the time the automatic stay was entered limited *Daubert* motions to twenty pages. The Defendants respectfully request an additional five pages for all *Daubert* motions. Plaintiffs do not oppose this request, so long as Plaintiffs are given the same page limit for their responses.

Dated: July 14, 2021

Respectfully submitted,

/s/ Jonathan M. Soper

Kenneth B. McClain #32430
kbm@hfmlegal.com
Jonathan M. Soper #61204
jms@hfmlegal.com
Colin W. McClain #64012
cwm@hfmlegal.com
221 W. Lexington, Suite 400
P.O. Box 900
Independence, Missouri 64050
(816) 836-5050
(816) 836-8966 FAX

ATTORNEYS FOR PLAINTIFFS

/s/ David R. Erickson

SHOOK, HARDY & BACON LLP
David R. Erickson, # 31532MO
Steven D. Soden, # 41917MO
Anthony R. Martinez, # 61791MO
2555 Grand Boulevard
Kansas City, MO 64108-2613
Telephone: 816.474.6550
Facsimile: 816.421.5547
derickson@shb.com
ssoden@shb.com
amartinez@shb.com

ATTORNEYS FOR DEFENDANT
MALLINCKRODT LLC

/s/ Brian O. Watson

Edward Casmere, #64326MO
Brian O. Watson, #68678MO
Jennifer Steeve, #308082CA
Lauren E. Jaffe, #6316795IL
RILEY SAFER HOLMES & CANCELIA LLP
70 W. Madison St., Ste.
2900
Chicago, Illinois 60602
(312) 471-8700 (main)
(312) 471-8701 (fax)
ecasmere@rshc-law.com
bwatson@rshc-law.com
jsteeve@rshc-law.com
ljaffe@rshc-law.com

ATTORNEYS FOR DEFENDANT
COTTER CORP. (N.S.L.)

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July 2021, I electronically filed the above with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record.

/s/ David R. Erickson